

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 WILLIAM WINFREY,

11 Plaintiff,

v.

12 FREEDOM MORTGAGE CORPORATION,
13 et al.,

14 Defendants.

CASE NO. C24-0966-JCC

ORDER

15 This matter comes before the Court on Defendants' motion to dismiss (Dkt. No. 7).
16 Having thoroughly considered the briefing and the relevant record, the Court GRANTS the
17 motion for the reasons described below.

18 On July 1, 2024, Plaintiff filed a complaint in Island County Superior Court (Dkt. No. 1-
19 1) seeking money damages, civil penalties, and equitable relief for Defendants' alleged
20 violations of the Truth in Lending Act and Washington's Consumer Protection Act. (*See id.* at 5-
21 9.) Defendants timely removed the matter to this Court based on federal question and diversity
22 jurisdiction. (*See* Dkt. No. 1 at 2-3.) Shortly thereafter, on July 8, Defendants moved to dismiss
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1 pursuant to Federal Rule of Civil Procedure 12(b)(6).¹ (*See* Dkt. No. 7.)² Defendants served
2 notice of their motion on Plaintiff in accordance with LCR 5(b). (*See id.* at 7.) Yet Plaintiff failed
3 to respond to the motion. According to the Local Rules, the Court considers Plaintiff's failure to
4 respond "as an admission that [Defendant's] motion has merit." LCR 7(b)(2).

5 Accordingly, the Court deems Plaintiff's complaint barred by *res judicata* and/or
6 Plaintiff's claims as pleaded fail as a matter of law. Defendants' motion to dismiss (Dkt. No. 7)
7 is GRANTED. Plaintiff's claims are DISMISSED with prejudice.

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9 DATED this 13th day of August 2024.



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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE
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23 ¹ Defendants contend dismissal is appropriate because Plaintiff's claims are barred by *res
24 judicata*, as the instant complaint seeks to relitigate two prior Island County Superior Court
actions. (*See id.* at 8–11.) In addition, according to Defendants, the claims fail as a matter of law.
25 (*See id.* at 11–18.)

26 ² Defendants noted their motion in accordance with LCR 7(d)(3). (*See generally id.*) For
unknown reasons, they then extended the noting date to August 5, 2024. (*See* Dkt. No. 8.)